IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.26617 of 2006

–

Dated: December 22, 2006

–

–

Between:

Smt. B. Narasamma, W/o. B. Gangaram, Hindu,

Aged 46 years, Helper 'B' Grade, Nuclear Fuel

Complex, R/o. H. No.18-90, Girinagar, Opp:

IDPL Colony, Balanagar, Hyderabad.

… Petitioner

And

Government of Andhra Pradesh, represented by its

Principal Secretary, Social Welfare (CV.2) Department,

Secretariat, Hyderabad, and others.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare proceedings of the first respondent dated 12-05-2006 in Memo No.3617/CV.2/2006-1, wherein the application filed by the petitioner seeking stay of the proceedings of the second respondent dated
27-02-2006 was rejected, and the consequential order dated
06/09-12-2006 passed by the third respondent, as illegal and arbitrary.

2. The facts of the case, in brief, are:

Petitioner, claiming to be belonging to 'Lingadhari Koya' community, a notified Scheduled Tribe, was appointed as Helper 'B' Grade in the third respondent-Nuclear Fuel Complex, Hyderabad, in a vacancy reserved for S.T, basing on the certificate issued by the District Collector under the provisions of the A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 ('the Act' for brevity). Thereafter, on a complaint made by her employer, i.e. Nuclear Fuel Complex about the genuineness of her caste certificate, the District Collector has initiated proceedings against her and subsequently by order dated 27-02-2006 cancelled the caste certificate issued to her. Aggrieved thereby, petitioner has carried the matter in appeal before the first respondent-Government under Section 7(2) of the Act along with a petition seeking stay of the order dated 27-02-2006. The appellate authority, i.e. the first respondent-Government, by order dated 12-05-2006, while rejecting the petition filed by the petitioner seeking stay of the order dated 27-02-2006, took the appeal on file for its disposal. In view of the order passed by the District Collector and the order of the first respondent-Government rejecting the stay petition, the third respondent issued memo dated 06/09-12-2006 framing a charge against the petitioner, which reads as under:

> "That the said Smt. Baja Narasamma, Helper/C (Cos.) has produced a false caste certificate claiming that she belongs to Scheduled Tribe Community in order to gain employment in Nuclear Fuel Complex.
>
> By her aforesaid act of exhibiting lack of integrity, Smt. Narasamma has contravened the provisions of Rule 3 (1) (i) of CCS (Conduct) Rules, 1964.

3. The case of the petitioner is that she has put in several years of service in the third respondent, Nucler Fuel Complex, and she claims that there are good grounds in the appeal filed by her against the order of the District Collector dated 27-02-2006. Her grievance is that if the aforesaid order of the District Collector is not stayed pending disposal of the appeal, it results in great hardship to her.

4. Against the order of the District Collector dated 27-02-2006, petitioner has filed an appeal as early as on 18-02-2006. As it is stated that basing on the caste certificate issued to the petitioner by the District Collector, she was appointed in the quota reserved for Scheduled Tribes and has been in service for the past several years,
I deem it appropriate that the order of the District Collector dated
27-02-2006 be kept in abeyance till the disposal of the appeal by the first

respondent-Government.

5. Having regard to the facts and circumstances of the case,
I dispose of the Writ Petition directing the appellate authority, i.e. first respondent-Government, to dispose of the appeal preferred by the petitioner against the order of the District Collector dated 27-02-2006, as expeditiously as possible, preferably within a period of three months from today. Pending disposal of the appeal, the order of the District Collector dated 27-02-2006 stands suspended. No order as to costs.

_____

JUSTICE R. SUBHASH REDDY.

December 22, 2006

N.B. Furnish C.C. in a week

BO

MRR